

THE EFFECTIVE DATE OF THIS ORDINANCE IS OCTOBER 7, 2008

ORDINANCE NO. 08-27-503

ORDINANCE OF
THE BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Re: Petition to Open, Close, and Alter Portions of Elmer Derr Road

RECITALS

YBC Investors, LLC and the Drees Company filed a petition with the Board of County Commissioners ("Board") to abandon, close, and alter a portion of Elmer Derr Road and open an alternative alignment, pursuant to the Annotated Code of Maryland, Article 25, Section 135 and following.

The petition proposed closure of approximately 395 linear feet of existing Elmer Derr Road, and a relocation/realignment of approximately 7,000 linear feet of roadway to connect to Ballenger Creek Pike.

Petitioners propose to construct an extension of English Muffin Way across their property to connect with an existing segment of Elmer Derr Road, and to change the name of that portion of Elmer Derr Road as English Muffin Way. A small segment of the current Elmer Derr Road extending southeast of the abandoned portion to connect with New Design Road is proposed to be renamed Harshman Way (see attached Exhibit A).

The Division of Public Works indicates that the proposal will have little impact on the local road network, access, and emergency response.

The Frederick County Planning Commission found the request consistent with the County Comprehensive Plan and recommended approval.

The Board held a public hearing on the petition on October 7, 2008, during which members of the public and representatives of the petitioner had the opportunity to provide public comment.

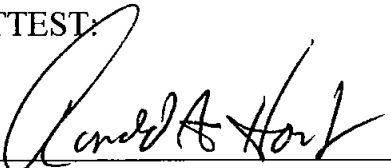
Following the public hearing, the Board of County Commissioners voted to close approximately 395 linear feet of Elmer Derr Road, open an extension of English Muffin Way to connect with the remaining portion of Elmer Derr Road to intersect with Ballenger Creek Pike. To rename a portion of Elmer Derr Road to English Muffin Way, and to rename that portion of Elmer Derr Road extending southeast of the abandoned portion to connect with New Design Road as Harshman Way.

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the petition to abandon, close, and alter Elmer Derr Road and to extend English Muffin Way as shown on Exhibit A is granted, and that upon completion of construction of the extension of English Muffin Way to connect with Elmer Derr Road and to Ballenger Creek Pike, that the portions of Elmer Derr Road be renamed English Muffin Way and Harshman Way as reflected on the attached Exhibit A, and the approximately 395 linear feet of Elmer Derr Road be closed, subject to the condition that any and all utility easements deemed necessary by the Frederick County Division of Utilities and Solid Waste Management be conveyed or reserved, as appropriate, to the Board of County

Commissioners prior to the abandonment of any portion of Elmer Derr Road, as reflected on the attached Exhibit A.

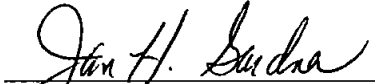
The undersigned hereby certifies that this Ordinance was approved and adopted on this 7th day of October, 2008.

ATTEST:



Ronald A. Hart
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Jan H. Gardner (SEAL)
President

MSC 10/17/08

LEGEND

- EXISTING ELMER DERR ROAD
- PROPOSED DEDICATION/ROAD EXTENSION
- DEDICATION OF HARSHMAN WAY AND CONNECTION TO ENGLISH MUFFIN WAY
- PORTION OF ELMER DERR ROAD TO BE ABANDONED

SCALE: 1" = 500'

TO BE ABANDONED

PROPOSED ROUNDABOUT

ELMER DERR RD.

CREEK PIKE

BALLENGER

ENGLISH MUFFIN WAY (RENAME)

HARSHMAN WAY (RENAME)

NEW DESIGN RD.

LINTON PROPERTY

YUNKINS PROPERTY

TENSION DR.

LAMBERT DR.

ENGLISH MUFFIN WAY

LIME KILN RD.